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**Courtesy Copy**

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**THE CITY OF NEW YORK  
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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JAN 18 2006 ★

**BROOKLYN OFFICE**

BY ECF AND COURTESY COPY BY HAND

Honorable Joan M. Azrack  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Andres Castro v. City of New York, et al., 05 CV 4687 (JG) (JMA)

Dear Magistrate Judge Azrack:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendant City of New York ("City"). I am writing to respectfully request a further extension of time within which the City may answer or otherwise respond to the complaint and for a corresponding adjournment of the initial conference currently scheduled for February 2, 2006, at 12:30 p.m., to a date after which the City has had an opportunity to file its Answer. The City's Answer is currently due today January 9, 2006. This is the City's second request for an enlargement of time to respond to the complaint and first request for an adjournment of the initial conference. Plaintiff's counsel, Edward Sivin, Esq., has consented to the enlargement of time and adjournment of the initial conference.

The reason for this request is that Rule 11(b)(4) of the Federal Rules of Civil Procedure requires us to make a reasonable inquiry into the allegations contained in the complaint before answering or otherwise responding. In an attempt to do so we requested, by letter dated November 1, 2005, signed authorizations from the plaintiff for the release of his underlying criminal records sealed pursuant to NYCPL § 160.50 (1)(d) for possible arrests made on October 6, 2004, and for medical records relating to this incident. I contacted Mr. Sivin the week of January 2, 2006, regarding these releases, and he assured me that the releases would be provided as soon as possible.

In view of the foregoing it is respectfully requested that the Court, (1) set a date certain by which the plaintiff must provide the City with the aforementioned releases; (2) extend the City's time to answer the complaint until thirty (30) days from the receipt of the releases; and

(3) grant the City's request to adjourn the initial conference, currently scheduled for February 2, 2006, at 12:30 p.m., to a date after the City has answered the complaint.

Thank you for your consideration in this regard.

Respectfully submitted,



Basil C. Sitaras (BS 7171)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: BY ECF & FAX  
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Released by Feb 17, 2006

Michael and April 3 2006  
2:00

App granted

s/Joan M. Azrack

USMG  
1/11/06